



## Final Regulation Agency Background Document

<b>Agency name</b>	Department of Housing and Community Development
<b>Virginia Administrative Code (VAC) citation</b>	13VAC 5-31-20 through 5-31-210
<b>Regulation title</b>	Virginia Amusement Device Regulations
<b>Action title</b>	Final Approval
<b>Document preparation date</b>	August 5, 2005

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 21 (2002) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.*

Enter statement here: The Virginia Amusement Device Regulations govern the installation, maintenance and operation of amusement devices commonly found at carnivals and large amusement/theme parks. These proposed regulations update to new industry consensus standards; increase permit inspection fees for the first time in 10 years to keep up with inflation and the localities costs for conducting these safety inspections; requires the operators to provide the inspectors with copies of maintenance and safety bulletins; and, for the first time provide for inspections of inflatable amusement devices and artificial climbing walls by national recognized standards.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

Enter statement here: The Board of Housing and Community Development approved the Virginia Amusement Device Regulations at their regularly scheduled meeting on July 26, 2005.

**Legal basis**

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

Enter statement here: The Board of Housing and Community Development promulgates the Virginia Amusement Device Regulations pursuant to the COV § 36-98.3 as mandatory authority.

**Purpose**

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

**Enter statement here:** These regulations ensure that amusement device rides are maintained and erected in a manner that ensures the safety of the public who enjoy the rides. The regulation also provides for local enforcement and ensures that code enforcement personnel are properly trained and certified to perform their inspection duties. The proposed regulations update to new national consensus standards providing for the best practices in the construction, installation, maintenance and inspections of amusement device rides and also identify safety issues and measures necessary for correcting any unsafe conditions or equipment. New amusement device rides constantly are developed and put into operation and this proposed regulation covers two new amusement devices for inflatable structures and artificial climbing walls and adopts national standards on their operation and necessary inspections. Finally, the proposed regulations allow localities to charge modest fee increases last adjusted 10 years ago.

**Substance**

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.*

Enter statement here: The Virginia Amusement Device Regulations incorporate the latest national consensus standards; increase the permit fees modestly that localities can charge; adds a permit fee for the new and very large amusement rides that take considerable more time to inspect; and adds two new rides for inflatable structures and artificial climbing walls.

**Issues**

*Please identify the issues associated with the proposed regulatory action, including:*  
1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*  
2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*

3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

Enter statement here: The public is further protected by having the latest national standards updated to ensure amusement device rides are installed and inspected by the best industry practices, that new safety features are installed, that newly developed rides are inspected and covered by national standards and that localities can charge a reasonable permit fee to cover the actual costs for an inspection. There are no known disadvantages for the Commonwealth and the public accrue the benefits by having safe amusement device rides in which to enjoy and have fun with safe rides.

**Changes made since the proposed stage**

Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.

Section number	Requirement at proposed stage	What has changed	Rationale for change
13VAC 5-31-40 E	Text not included	Adds clarifying text that operators are to provide the inspector copies of service and safety bulletins for each amusement device ride where applicable	Inspectors need the information to inspect the rides and to assist in determining if the ride is safe to operate.

**Public comment**

Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.

Commenter	Comment	Agency response
T.L. Moore, Chairperson of the Amusement Rides Technical Advisory Committee	The ARTAC is appointed by the Board of Housing and Community Development, consisting of 5 members, representing inspectors, ride operators and safety experts. Mr. Moore spoke in favor of the entire package of proposed regulatory changes that were endorsed by the advisory committee unanimously.	DHCD agrees with the comments and the purpose and need for the proposed changes to ensure the latest and best safety practices are enforced in the Commonwealth.

Enter any other statement here:

**All changes made in this regulatory action**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.*

<b>Current section number</b>	<b>Proposed new section number, if applicable</b>	<b>Current requirement</b>	<b>Proposed change and rationale</b>
13VAC 5-31-40		Lists existing standards	Updates standards governing operations, maintenance and inspections for amusement device rides to be regulated by the regulations.
13VAC 5-31-40	13VAC 5-31-40 E	Text not existing	New text requiring operators to provide the inspector with all applicable service and safety bulletins to assist in the inspection and to further assist in any determination that the ride maybe unsafe to operate.
13VAC 5-31-100		Old fee schedule	Increases the permit inspection fee by \$10 per ride, the first increase since 1996, to cover the costs localities incur to inspect the rides and adds a new category for very large and complex rides.
	13VAC 5-31-200-210	None	Adds into the regulations new amusement device rides for inflatable rides and artificial climbing walls with national standards to ensure they are installed, maintained and safe to ride by requiring inspections.

Enter any other statement here:

**Family impact**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability.*

Enter statement here: These regulations offer a positive impact for families by ensuring that amusement device rides are safe to operate thereby offering the families who are patron to have fun, yet feel safe, knowing amusement device rides are inspected in the Commonwealth.